

## Message Text

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UNCLAS SECTION 1 OF 2 GENEVA 5421

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TAGS: CCD, PARM

SUBJECT: CCD-FIST DRAFT IN NWFZ STUDY CHAPTER IV

1. FIRST DRAFT OF CHAPTER IV (VERIFICATION AND CONTROL)  
WAS DISTRIBUTED TO NWFZ EXPERTS LATE JULY 9. TEXT  
FOLLOWS:

BEGIN TEXT:

V. VERIFICATION AND CONTROL

1. OBJECTIVE AND SCOPE

1. THE QUESTION OF VERIFICATION AND CONTROL OF THE COMPLIANCE BY STAT

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ES PARTIES WITH THE OBLIGATIONS OF A DISARMAMENT AGREEMENT HAS ALWAYS  
BEEN IN THE FOCUS OF NEGOTIATIONS. THE PAST SOLUTIONS TO THAT  
PROBLEM HAVE DIFFERED FROM TREATY TO TREATY, DEPENDING ON WHAT  
OBLIGATIONS OF WHICH STATES WERE TO BE VERIFIED. AS TO NUCLEAR-WEA-  
PON-FREE ZONES, BOTH THE ANTARCTIC TREATY AND THE TLATELOLCO  
TREATY INCLUDE PROVISIONS FOR VERIFICATION, THE PRACTICAL PROCED-  
URES OF WHICH DIFFER SUBSTANTIALLY.

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2. AS STATED ABOVE, IN ORDER TO ENSURE THAT A NUCLEAR-WEAPON-FREE  
ZONE WILL FUNCTION EFFECTIVELY, IT IS NECESSARY TO DEVISE A SYSTEM  
OF VERIFICATION AND CONTROL WITH WHICH TO MAKE SURE THAT ALL STATES  
INVOLVED-THOSE WITHIN THE ZONE, THOSE POSSESSING NUCLEAR WEA-

PONS, AND ANY OTHER STATES WHICH MAY IN ANY INFLUENCE THE OPERATION OF THE ZONE-ARE COMPLYING STRICTLY WITH THE TERMS ON WHICH THE REGIME OF MILITARY DENUCLERAIZATION HAS BEEN CONCEIVED IN EACH CASE. THE NAT

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URE OF THE VERIFICATION AND CONTROL TO BE EXERCISED IN EACH ZONE WOULD, IN GENERAL, HAVE TO COVER THREE MATTERS: (A) FULL COMPLIANCE WITH TREATY PROVISIONS ON THE ABSENCE OF NUCLEAR WEAPONS FROM THE ZONE;  
E;  
(B) NUCLEAR ACTIVITIES FOR PEACEFUL PURPOSES; AND (C) TO SETTLE ISSUES OF NON-COMPLIANCE THAT MAY ARISE. PRESCRIBED SYSTEMS MAY INCLUDE BOTH ROUTINE AND AD HOC PROCEDURES AND SHOULD ASSURE A HIGH PROBABILITY OF DETECTING VIOLATIONS. SUCH SYSTEMS SHOULD BE BASED ON THE PRINCIPLE OF COMPLETE EQUALITY OF STATES.

3. AN EFFECTIVE CONTROL SYSTEM WOULD CREATE CONFIDENCE BOTH AMONG THE STATES MEMBERS OF THE ZONE AND IN RELATION TO EXTRA-ZONAL STATES HAVING RECOGNIZED THE STATUS OF THE ZONE. IT WOULD ALSO OFFER ASSURANCES THAT A GROWING NUCLEAR POWER INDUSTRY OF ZONAL STATES WOULD NOT BE USED FOR THE FABRICATION OF NUCLEAR WEAPONS IN THE ZONE AND, BY ASSURING THAT, TO FACILITATE CO-OPERATION IN THE PEACEFUL USE OF NUCLEAR ENERGY AMONG THE ZONAL STATES AND BETWEEN SUCH STATES AND STATES OUTSIDE THE ZONE.

4. THE PRECISE NATURE OF THE VERIFICATION AND CONTROL MACHINERY WILL DEPEND ON THE TYPE OF OBLIGATIONS TO BE UNDERTAKEN BY PARTIES TO A TREATY ESTABLISHING THE NUCLEAR-WEAPON-FREE ZONE. GENERALLY, IT MIGHT INCLUDE A FACT-FINDING MACHINERY, A PROCEDURE FOR CONSULTATIONS BETWEEN INDIVIDUAL STATES (VERIFICATION-BY CHALLENGE) AND A FORUM FOR MULTILATERAL CONSULTATIONS AND RECOMMENDATIONS. IF SEVERAL OTHER ARMS CONTROL TREATIES ARE IN FORCE FOR ZONAL STATES THE HARMONIZATION AND CO-OPERATION BETWEEN THEIR RESPECTIVE CONTROL PROCEDURES SHOULD BE ARRANGED. IT CAN, FOR INSTANCE, BE FORSEEN THAT MEMBERS OF A NUCLEAR-WEAPON-FREE ZONE COULD ALSO BE PARTIES TO THE NPT, THE 1963 PARTIAL TEST BAN (PTB) AND OTHER TREATIES AS WELL. THE COLLABORATION BETWEEN CONTROL MACHINERIES OF SEV-

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ERAL NUCLEAR-WEAPON-FREE ZONES MIGHT ALSO BE OF VALUD DEPENDING ON THE CIRCUMSTANCES.

5. AS TO THE FACT-FINDING PART OF A CONTROL SYSTEM, STATES WOULD ALWAYS HAVE THE POSSIBILITY, IN RELATION TO ANY TREATY, TO USE THEIR NATIONAL MEANS OF VERIFICATION IN ACCORDANCE WITH INERNAT-89,-) )-2. THE REMAINING QUESTION THAT MUST BE ANSWERED THROUGH NEGOTIATION IS WHTHER THIS IS SUFFICIENT, IN WHOLE OR IN PART, AND WHETHER ADDITIONAL INVESTIGATION POSSIBILITIES REQUIRING THE CO-OPERATION OF PARTIES WOULD NEED TO BE PRESCRIBED IN THE TREATY.

6. WHEN DISCUSSING THIS LAST QUESTION, IT SHOULD BE KEPT IN MIND THAT THE INVESTIGATION SYSTEM, ITS CAPABILITIES, EFFECTIVENESS, EXPEDIENCY

OPERATIONAL PROCEDURES AND POSSIBLE PROVISION FOR INSPECTIONS, SHOULD BE ADJUSTED TO ITS PURPOSE, THAT OF PROVIDING FACTS WHICH ARE NECESSARY AND RELEVANT FOR A POLITICAL SETTLEMENT OF UPCOMING ISSUES.

7. AS ONE OF THE BASIS OBJECTIVES OF NUCLEAR-WEAPON-FREE ZONES WOULD BE A CONTRIBUTION TO NON-PROLIFERATION OF NUCLEAR WEAPONS, ITS CONTROL SYSTEM SHOULD, AS A MINIMUM, COMPRISE THE FULL APPLICATION OF IAEA SAFEGUARDS TO ALL NUCLEAR ACTIVITIES WITHIN THE ZONE. LOGICALLY, IAEA'S INFCIRC/153 SAFEGUARDS WOULD BE THE APPROPRIATE SET OF PROCEDURES TO APPLY, SINCE THEY COULD COVER ALL NUCLEAR ACTIVITIES OF STATES MEMBERS OF THE ZONE AND SINCE THEY WERE ARTICULATED WITH THE VIEW TO APPLYING TO ENTIRE FUEL CYCLES. SUCH SAFEGUARDS WOULD PROVIDE BOTH FOR OPERATIVE VERIFICATION ON A ROUTINE BASIS OF NUCLEAR ACTIVITIES THAT ARE ESSENTIAL IN THIS RESPECT, AND ALSO FOR A REPORTING PROCEDURE ON POSSIBLE DISCLOSURES OF EVENTS OF POSSIBLE NON-COMPLIANCE. ON THE OTHER HAND, HOWEVER, IAEA SAFEGUARDS WOULD ONLY VERIFY NUCLEAR ACTIVITIES THAT ARE DECLARED TO THE AGENCY IN ACCORDANCE WITH ITS STATUTE (ARTICLE XII).

8. IN THE LIGHT OF THE EXAMPLE OF THE TLATELOLCO TREATY, IT WOULD THUS BE MOST DESIRABLE TO HAVE IN ADDITION TO IAEA SAFEGUARDS, THE POSSIBILITY TO VERIFY OTHER RELEVANT ACTIVITIES INSIDE THE ZONES, AND POSSIBLY ALSO THE IMPLEMENTATION OF COMMITMENTS OUTSIDE THEM. VERIFICATION IN THIS CATEGORY COULD, FOR INSTANCE, INCLUDE MILITARY FACILITIES AND NAVAL VESSELS. IT SHOULD BE RECOGNIZED THAT ADEQUATE VERIFICATION IN AREAS OF THE HIGH SEAS INCORPORATED IN NUCLEAR-WEAPON FREE ZONES WOULD RAISE SPECIFIC PROBLEMS. THE ADDITIONAL PROBLEM HAS UNCLASSIFIED

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BEEN RAISED AS TO HOW TO PROVIDE ASSURANCE THAT NUCLEAR WEAPONS ARE NOT PRESENT IN MILITARY BASES OF NUCLEAR-WEAPON STATES SITUATED INSIDE THE NUCLEAR-WEAPON-FREE ZONE.

9. EVEN IF THERE ARE REGIONAL OR INTERNATIONAL ORGANIZATIONS THAT COULD POSSIBLY TAKE CARE OF THE EXECUTION OF NON-IAEA VERIFICATION, IT MIGHT BE PREFERABLE TO CONSTITUTE, AS HAS BEEN DONE IN THE TLATELOLCO TREATY, STANDING REGIONAL BODIES FOR OPERATING SUCH VERIFICATION PROCEDURES. ONE OF THE FUNCTIONS OF SUCH AGENCIES WOULD BE TO MONITOR AND CO-ORDINATE THE WORK OF APPROPRIATE NATIONAL AUTHORITIES GIVEN RESPONSIBILITY FOR, OR SPECIALLY SET UP FOR THE PURPOSE OF IMPLEMENTING, THE NECESSARY VERIFICATION PROCEDURES IN EACH COUNTRY PARTY TO NUCLEAR-WEAPON-FREE ZONE AGREEMENTS. IN ADDITION, SUCH AGENCIES COULD THEMSELVES RUN REGIONAL DATA COLLECTION AND PROCESSING SYSTEMS AND CARRY OUT PERIODIC AND AD HOC INSPECTIONS. IT HAS BEEN PROPOSED THAT THEY COULD ALSO RELY ON ASSISTANCE FROM NON-ZONAL NATIONS AND OTHER SOURCES.

10. THE CARRYING OUT OF INVESTIGATIONS AND INSPECTIONS COULD BE INTEGRATED IN A POLITICAL PROCESS OF CONSULTATIONS BETWEEN COUNTRIES CONCERNED (VERIFICATION-BY-CHALLENGE.) DETAILED ARRANGEMENTS WOULD BE NECESSARY, HOWEVER, FOR SUCH PROCESSES TO ENSURE THAT CHALLENGES AND INSPECTIONS ARE NOT ABUSED.

11. IN A TREATY ESTABLISHING A NUCLEAR-WEAPON-FREE ZONE, IT COULD ALSO BE DESIRABLE TO PROVIDE FOR MULTILATERAL BODIES OF STATES PARTIES WITH THE TASK OF CONSIDERING REPORTS AND OBSERVATIONS MADE BY THE IAEA AND A STANDING CONTROL AGENCY REGARDING THE IMPLEMENTATION OF THE PROVISIONS OF THE TREATY, AND OF MAKING RECOMMENDATIONS IN RESPECT OF SUCH IMPLEMENTATION, ON POSSIBLE FURTHER INVESTIGATIONS AND INSPECTIONS, AND ON SUSPECTED VIOLGATION. EXAMPLES OF THIS IS THE COUNCIL AND GENERAL CONFERENCE PRESCRIBED IN THE TLATELOLCO TREATY. THE PRECISE MANDATE OF SUCH MILTILATERAL BODIES WOULD HAVE TO BE SPECIFIED IN THE ZONE-TREATY ITSLEF. ONE OBVIOUS TAKS FOR SUCH A MULTILATERAL BODY WOULD BE TO CONSIDER ISSUES OF COMPLIANCE, WHERE A VERIFICATION-BY-CHALLENGE PROCESS BETWEEN INDIVIDUAL STATES HAS FAILED TO SETTLE THE ISSUE. THE EXISTENCE OF SUCH A BODY SHOULD NOT EXCLUDE HOWEVER THE POSSIBILITY THAT SPECIAL ISSUES ARISING DURING THE COURSE OF A CONSULTATION PROCESS ARE REFERRED TO THE UN SECURITY COUNCIL OR GENERAL ASEMBLY, UNCLASSIFIED

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OR TO THE INTERNATIONAL COURT OF JUSTICE.

## 2. SAFEGUARDS ON PEACEFUL USES OF NUCLEAR ENERGY

12. AS INDICATED IN THE PRECEDING SUB-CHAPTER THE IAEA SAFEGUARD SYSTEM COULD PLAY AN IMPORTANT ROLE IN THE VERIFICATION OF THE IMPLEMENTATION OF NUCLEAR-WEAPON-FREE ZONE PROVISIONS. THE EXACT ROLE OF IAEA WOULD ESSENTIALLY BE DETERMINED BY TWO FACTORS. ONE IS THE PRECISE PROVISIONS OF THE AGREEMENTS ESTABLISHING ZONES AND THE TASKS GIVEN TO THE IAEA THEREIN. THE OTHER IS THE STATUE OF THE IAEA PRESCRIBING WHAT DUTIES THE AGENCY CAN ASSUME. THE LATTER (ART.III.5) PERMITS THE AGENCY "TO APPLY SAGEGUARDS, AT THE REQUEST OF THE PARTIES, TO ANY BILATERAL OR MULTILATERAL ARRANGEMENT, OR AT THE REQUEST OF A STATE, TO ANY OF THAT STATE'S ACTIVITIES IN THE FIELD OF ATOMIC ENERGY".

13. IT WOULD THUS BE POSSIBLE TO SOLVE ONE PART OF THE VERIFICATION PROBLEM OF NUCLEAR-WEAPON-FREE ZONES, THAT OF ASSURING THAT THE NUCLEAR INDUSTRY OF ZONAL STATES WOULD NOT BE USED FOR THE MANUFACTURE OF NUCLEAR WEAPONS, BY MEANS OF APPLYING IAEA SAFEGUARDS TO THE COMPLETE NUCLEAR INDUSTRY OF ZONAL STATES.

14. IF STATES WITHIN A ZONE ARE ALL PARTIES TO THE NPT AND THE PROVISIONS TO BE VERIFIED BY THE IAEA ARE IDENTICAL WITH THOSE OF THE NPT, APPLICATION OF AGENCY SAFEGUARDS COULD BE BASED ON THE NPT REGIME AS LONG AS THE ZONAL STATES CONTINUE TO BE PARTIES TO THAT TREATY AS WELL.

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15. IN ORDER TO MEET THE REQUIREMENTS OF ZONE-AGREEMENTS NOT HAVING PROVISIONS COMPLETELY IDENTICAL WITH THOSE OF THE NPT, OR HAVING PARTIES NOT SUBSCRIBING TO THE NPT, OR HAVING A PERIOD OF DURATION BEYOND THE POSSIBLE TERMINATION, IN 1995, OF THE NPT, OR IN ORDER TO ABSORB THE POSSIBILITY THAT NPT-PARTY STATES MEMBERS OF THE ZONE WITHDRAW FROM THE NPT, IT WOULD RATHER SEEM NECESSARY TO SPECIFY WHAT TREATY OBLIGATIONS WILL HAVE TO BE VERIFIED BY MEANS OF APPLYING IAEA SAFEGUARDS IN ZONAL STATES. SUCH A SPECIFICATION WOULD PROVIDE THE LEGAL BASIS FOR APPLYING SAFEGUARDS IN THE ZONE.

16. IT IS TRUE THAT THIS GENERAL APPROACH TO THE SAFEGUARD QUESTION WOULD PROBABLY REQUIRE SOME ADJUSTMENT OF THE PRESENT IAEA SAFEGUARDS SYSTEMS OF WHICH THERE ARE TWO. ONE IS THE "INFCIRC/153 SAFEGUARDS" REFERRING MAINLY TO STATES PARTIES TO THE NPT AND BEING APPLIED TO "ALL SOURCE AND SPECIAL FISSIONABLE MATERIAL IN ALL PEACEFUL NUCLEAR ACTIVITIES" IN THOSE STATES. THE OTHER IS THE "INFCIRC/66/REV

2-SAFEGUARDS" REFERRING MAINLY TO STATES NOT PARTIES TO THE NPT. THESE WOULD BE APPLIED ON SEPARATE PARTS AS WELL AS ON THE WHOLE OF THE NUCLEAR ACTIVITIES OF STATES IN ACCORDANCE WITH SPECIAL AGREEMENT BETWEEN INDIVIDUAL STATES AND THE AGENCY. IT IS WORTH EMPHASIZING THE DIFFERENCE IN THIS RESPECT BETWEEN THE NPT AND THE TREATY OF Tlatelolco. UNCLASSIFIED

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THE NPT PRESCRIBES THAT NON-NUCLEAR-WEAPON STATES SHALL NOT ACQUIRE NUCLEAR WEAPONS AND OTHER NUCLEAR ACTIVITIES IN NON-NUCLEAR-WEAPON STATES, WHILE THE TREATY OF Tlatelolco PRESCRIBES THAT THE PARTIES SHALL USE EXCLUSIVELY FOR PEACEFUL PURPOSES THEIR NUCLEAR MATERIAL AND FACILITIES, AND THAT ALL THEIR NUCLEAR ACTIVITIES SHALL BE SAFEGUARDED. THE DIFFERENCE IS THAT THE NPT PERMITS USE OF NUCLEAR MATERIAL FOR MILITARY NON-BOMB PURPOSES, SUCH AS PROPELSION OF NAVAL VESSELS, SUCH MATERIAL NOT BEING SAFEGUARDED, WHILE THE TREATY OF

TLATELOLCO RESTRICTS THE USE OF NUCLEAR MATERIAL SOLELY TO PEACEFUL PURPOSES.

17. AN OBLIGATION OF THE STATES INCLUDED IN A ZONE TO SUBMIT ALL THEIR NUCLEAR ACTIVITIES OF INTERNATIONAL SAFEGUARDS WILL HAVE TO BE EXPRESSLY LAID DOWN IN THE CONSTITUENT INSTRUMENT OF THE ZONE. THE NECESSARY AGREEMENTS WITH IAEA MAY BE CONCLUDED IN EITHER OF TWO WAYS: (A) BY LEAVING EACH STATE TO NEGOTIATE DIRECTLY WITH THE IAEA OR (B) BY NEGOTIATING A COLLECTIVE AGREEMENT WITH IAEA AT THE SAME TIME AS THE CONSTITUENT TREATY. THE TREATY OF TLATELOLCO IS AN EXAMPLE

OF THE FIRST METHOD, ALTHOUGH IN PRACTICE IT HAS BEEN FOUND THAT THE NEGOTIATION AND CONCLUSION OF INDIVIDUAL AGREEMENTS WITH IAEA HAS TAKEN LONGER THAN THE NEGOTIATION OF THE TREATY ITSELF. IT WOULD THEREFORE PROBABLY BE MORE EFFICIENT FOR A COLLECTIVE AGREEMENT TO BE CONCLUDED WITH IAEA, AND FOR THIS TO BE JOINED BY EACH

STATE UPON ASCCESSION TO THE TREATY CONSTITUTING THE ZONE; IN THIS WAY STATES WOULD COMPLY AT THE OUTSET WITH A CONDITION ESSENTIAL TO THE SATISFACTORY OPERATON OF THEIR ZONE.

18. WHEN PROVIDING FOR A LEGAL BASIS FOR IAEA SAFEGUARDS AND APPLYING SAFEGUARDS IN ACCORDANCE WITH PROVISIONS OF SEVERAL TREATIES, IT

WOULD BE ESSENTIAL THAT ALL NUCLEAR ACTIVITIES OF A STATE ARE SUBJECT TO THE SAME SAFEGUARDS PROCEDURE. INDEED, ONE UNIVERSAL SAFEGUARD SYSTEM TAKING CARE OF ALL SAFEGUARDING NEEDS IN ALL COUNTRIES WOULD BE VERY DESIRABLE IN ORDER TO SIMPLIFY THE PROCEDURES. THAT LEADS TO THE PRELIMINARY CONCLUSION THAT INFCIRC/153-SAFEGUARDS, POSSIBLY ADAPTED TO SUIT THE VARIOUS LEGAL SITUATIONS, SHOULD BE THE SYSTEM DEMANDED BY

NUCLEAR-WEAPON-FREE ZONE  
TREATIES.

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19. A RELATED QUESTION WOULD BE POSSIBLE PROVISION THAT STATES IN A ZONE WOULD HAVE TO APPLY MINIMUM STANDARDS OF PHYSICAL PROTECTION TO FISSIONABLE MATERIAL IN THE ZONE IN ORDER TO DIMINISH THE POSSIBILITY THAT TERRORIST OR SUBNATIONAL GROUPS BY THEFT OR OTHERWISE DIVERT SUCH MATERIAL AND MAKE THEIR OWN NUCLEAR WEAPONS.

## 5. INSPECTIONS

20. WHEN IAEA SAFEGUARDS ARE APPLIED TO NUCLEAR ACTIVITIES INSPECTIONS

WILL TAKE PLACE AS AN INTEGRAL PART OF THE PROCEDURE IN ACCORDANCE WITH THE SAFEGUARDS AGREEMENTS IN FORCE.

21. AS INDICATED IN SUBCHAPTER 1 ABOVE, A STANDING CONTROL AGENCY OF A NUCLEAR-WEAPONFREE ZONE COULD BE EMPOWERED WITH THE TASKS OF CARRYING OUT BOTH ROUTINE AND AD HOC INSPECTIONS AS AN ELEMENT OF ITS PROCEDURE TO VERIFY THE IMPLEMENTATION OF OBLIGATIONS NOT ROUTINELY

VERIFIED BY THE IAEA. SUCH INSPECTIONS COULD BE UNDERTAKEN BY THE CONTROL AGENCY ON ITS OWN INITIATIVE, AT THE REQUEST OF INDIVIDUAL STATES PARTIES TO THE ZONE-AGREEMENT WITHIN A VERIFICATION-BY-CHALLENGE PROCEDURE OR BY A MULTILATERAL BODY INSTITUTED BY THE ZONE-AGREEMENT.

22. THE TLATELOLCO TREATY PROVIDES FOR SUCH "SPECIAL INSPECTIONS" ARTICLE XVI) WHILE THE ANTARCTIC TREATY (ARTICLE VII) PERMITS INSPECTIONS UNDERTAKEN BY THE PARTIES THEMSELVES.

#### 4. ROLE OF THE IAEA, REGIONAL ORGANIZATIONS AND NATIONAL ORGANS

23. PROPER EXECUTION OF VERIFICATION PROCEDURES MAKES CLOSE CO-OPERATION BETWEEN THE VARIOUS AUTHORITIES ON BOTH THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS ESSENTIAL. THE ROLE OF IAEA AND OF STANDING REGIONAL CONTROL AGENCIES HAS BEEN MENTIONED EARLIER.

24. THE APPLICATION OF IAEA SAFEGUARDS TO THE NUCLEAR ACTIVITIES OF A COUNTRY PRESUMES THE EXISTENCE WITHIN THAT COUNTRY OF A NATIONAL AUTHORITY FOR ACCOUNTING AND CONTROL OF ALL NUCLEAR MATERIAL SUBJECT TO SAFEGUARDS. THE POSSIBILITY OF GIVING A NATIONAL AUTHORITY THE RESPONSIBILITY FOR THE IMPLEMENTATION OF NON-IAEA-VERIFICATION PROCEDURES IN INDIVIDUAL COUNTRIES HAS BEEN INDICATED UNCLASSIFIED

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ABOVE.

25. THE ROLE OF THE IAEA WOULD BE TO ASSUME, IN ACCORDANCE WITH ITS STATUTE, THE RESPONSIBILITY FOR ALL SAFEGUARDS ENVISAGED IN THE ZONE-TREATY AND SUBSEQUENT AGREEMENTS BETWEEN THE AGENCY, REGIONAL ZONE-AUTHORITIES AND ZONAL STATES. IN CASE THERE IS A REGIONAL OR OTHER ORGANIZATION THAT CAN ASSUME THE RESPONSIBILITY FOR NON-IAEA VERIFICATION, OR SUCH A SPECIAL CONTROL AGENCY IS SET UP, ITS PRECISE MANDATE AND PROCEDURE OF WORK WILL HAVE TO BE DEFINED IN ACCORDANCE WITH THE ZONE-TREATY.

26. TO MAKE VERIFICATION OF NUCLEAR-WEAPON-FREE ZONES MORE EFFECTIVE THE VARIOUS AUTHORITIES INVOLVED WOULD KEEP CONTACT AND INFORM EACH OTHER ON RELEVANT MATTERS. THEY MIGHT DEEM IT APPROPRIATE TO SEEK RELEVANT INFORMATION FROM OUTSIDE SOURCES, POSSIBLY ON A ROUTINE BASIS.

27. THE PURPOSE OF IAEA SAFEGUARDS IS THE TIMELY DETECTION OF REMOVAL OF FISSIONABLE MATERIAL AND NOT NECESSARILY THE INVESTIGATION OF THE PURPOSES OF SUCH REMOVAL. CASES OF POSSIBLE NON-COMPLIANCE WILL BE REPORTED TO ITS BOARD OF GOVERNORS, WHO MAY, DEPENDING ON THE CIRCUMSTANCES, REPORT ANY NON-COMPLIANCE TO ALL MEMBERS OF THE IAEA AND TO THE UN SECURITY COUNCIL AND THE GENERAL ASSEMBLY. THIS PROCEDURE MUST REMAIN, REGARDLESS OF ANY RESPONSIBILITIES ASSUMED BY A REGIONAL CONTROL AGENCY.

28. A REGIONAL BODY "RESPONSIBLE FOR VERIFICATION OF A ZONAL AGREEMENT"

MENT MAY HAVE A WIDER AUTHORITY TO INVESTIGATE SUSPECTED CASES OF NON-

COMPLIANCE, IF SO, IT SEEMS REASONABLE TO SUGGEST THAT SUCH A CONTROL AGENCY, SERVING THE NUCLEAR-WEAPON-FREE ZONE PARTIES AND POSSIBLY ASSISTANT IN A PROCESS OF VERIFICATION-BY-CHALLENGE, SHOULD ASSUME THE RESPONSIBILITY TO CO-ORDINATE IAEA FINDINGS WITH ITS OWN FINDINGS AND TO REPORT TO THE PROPER POLITICAL FORA. THIS MAY INCLUDE REPORTING THE CASE TO THE SECURITY COUNCIL AND THE GENERAL

ASSEMBLY THROUGH THE SECRETARY-GENERAL OF THE UNITED NATIONS. RESORT COULD ALSO BE MADE TO THE INTERNATIONAL COURT OF JUSTICE.

29. IN ADDITION, BOTH IAEA AND REGIONAL CONTROL AGENCIES COULD BE ENTRUSTED BY STATES TO ASSIST IN THE CO-ORDINATION OF THE ACTIVITIES  
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OF NATIONAL AUTHORITIES IN THESE TASKS AND WITH WHICH THEY DEAL.

##### 5. CREATION OF AD HOC AGENCIES

30. IT HAS BEEN MENTIONED BEFORE THAT SPECIAL AGENCIES MIGHT BE THE MOST USEFUL WAY OF ORGANIZING THE EXECUTION OF OVERALL VERIFICATION AND CONTROL OF NUCLEAR-WEAPON-FREE ZONES. THIS IS ARGUED FOR TWO REASONS: (1) EXISTING REGIONAL AGENCIES, IF ANY, ARE NOT ALWAYS SUITED TO THESE FUNCTIONS, IN SOME CASES BECAUSE THEY DO NOT ADEQUATELY REFLECT THE PURPOSE OF A NUCLEAR-WEAPON-FREE ZONE INASMUCH AS THEIR OWN AIMS ARE MORE GENERAL OR, ON THE CONTRARY, RELATE TO OTHER SPECIALIZED MATTERS, AND (2) THE COMPOSITION OF SUCH AGENCIES DOES NOT CORRESPOND TO THAT OF THE NUCLEAR-WEAPON-FREE ZONE, EITHER BECAUSE THEY INCLUDE A GREATER NUMBER OF STATES, SOME OUTSIDE THE ZONE, OR A SMALLER OF STATES, SOME COUNTRIES WITHIN THE ZONE NOT BEING MEMBERS. IN CONTRAST, THE VERIFICATION AND CONTROL EXERCISED OVER A ZONE THROUGH AN AD HOC AGENCY WILL BE MORE EFFECTIVE BECAUSE SUCH AN AGENCY WOULD BE ESPECIALLY TAILORED TO THE COMPOSITION AND PURPOSES OF THE ZONE AND BECAUSE SUCH VERIFICATION AND

CONTROL WOULD BE ITS PRIMARY FUNCTION. 9 JULY 1975 END TEXT. DALE

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